

In civil law as in criminal law there are what I shall term 'reasoning flaws'. These peculiar 'phenomena' are in direct opposition to good old common sense. Whenever they occur, being decent respectful citizens, we tend to bow our head in respect to The Law, as upheld by 'those who know', the men and women trained and paid in that pursuit. The sceptics among us note certain consistencies. 'Reasoning flaws' favour those with the knowledge, expertise and authority to exploit them; this is certainly true in the case of B. Business versus A. Worker. In this situation B. Business is the Defender and A. Worker the assailant. As we expect of the Law parties are innocent until proven guilty; since A. Worker is claiming B. Business for compensation B. Business is therefore 'innocent until proven guilty'.

But the vast majority of the subsidiary companies owned by this same B. Business has long since been convicted of a failure to implement the sort of safety measures that might prevent asbestos exposure. Thus when the civil action begins B. Business does not deny 'liability'; in other words the 'Defender' does not deny that members of the workforce will have been exposed to asbestos. B. Business cannot deny it. This particular fact, that members of the workforce will have been exposed to asbestos, is already established beyond reasonable doubt. Even as far back as 1906 the "British Parliamentary Commission were recommending better ventilation and other safety measures"; then again in 1930 came a Home Office report on "widespread asbestos disease in U.K. factories". So in this particular case, where the subsidiary company owned by B. Business is known to have neglected the proper safety precautions, there cannot be any defence against liability. The 'innocent' party must concede guilt, and will do so prior to the commencement of court proceedings. There is no choice if a successful conclusion is to be arrived at on behalf of B. Business.